

In re Application of: John Kemeny
Attorney Docket No.: EMR-002.01

INTRODUCTORY REMARKS

Solely in the interest of expediting prosecution, Applicant cancels claims 1-30, and thanks the Examiner for allowing independent claim 31. Applicant provides new claims 32-35 which depend from allowed independent claim 1. Applicant also provides new independent claims 36 and 39, which are companion system and computer product claims to allowed independent claim 31.

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REMARKS

This Response is filed in reply to the Office Action dated April 6, 2004, and the Advisory Action dated June 28, 2004 in which the Examiner failed to enter a Response filed on June 7, 2004. In this Response, Applicant cancels claims 1-30, without prejudice, and adds new claims 32-43. Upon entry of the Response, claims 31-43 are pending in the present application.

The issues of the Office Action are presented below with reference to the April 6, 2004 Office Action.

With regard to the Office Action, paragraphs 1-2: Applicant notes and acknowledges Examiner's comments provided therein.

With regard to paragraphs 3-5, entitled "Claim Rejections - 35 U.S.C. §102": Examiner rejected claims 1-30 under 35 U.S.C. §102(e) as being anticipated by Van Hook et al. (U.S. Patent No. 6,549,210).

As provided herein, solely in the interest of expediting prosecution, and due to the non-entry of a June 7, 2004 Response, Applicant cancels claims 1-30, without prejudice, thereby traversing and/or moots the Examiner's 35 U.S.C. 102(e) rejections thereof. Applicant reserves the right to file and prosecute claims similar to now canceled claims 1-30, and Applicant will file and prosecute such claims in a continuation application. Applicant's silence and cancellation with regard to the Examiner's 35 U.S.C. 102(e) rejections of claims 1-30 should thus not be construed as an acquiescence to such rejections, but rather a recognition that given the non-entry of a June 7, 2004 Response, such rejections can be addressed in a continuation application while the more immediate issue of allowed subject matter is addressed herein.

With regard to the Office Action, paragraph 6, entitled "Allowable Subject Matter": Applicant acknowledges with appreciation the Examiner's allowance of claim 31. Applicant thus adds the following new claims:

1. New claims 32-35 depend from allowed independent claim 31, and are thus allowable;

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2. New independent claim 36, which is a companion system claim to allowed independent claim 31, and is thus also allowable, as are new dependent claims 37-38 which depend from allowable independent claim 36; and,

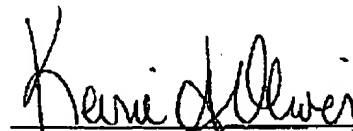
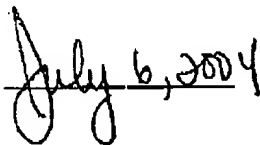
3. New independent claim 39, which is a companion computer product claim to allowed independent claim 31, and is thus also allowable, as are new dependent claims 40-43.

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CONCLUSION

In view of the foregoing remarks, Applicant considers the response herein to be fully responsive to the subject Office Action. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicants' attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at 617-832-1241.

Date:


Kevin A. Oliver
Reg. No. 42,049

Customer number 25181
Foley Hoag LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02210

Phone: 617-832-1241
Fax: 617-832-7000